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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/009,460

04/29/2002

Juergen Lorenz

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64574

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EXAMINER

HAIDER, SAIRA BANO

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

04/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/009,460	<b>Applicant(s)</b> LORENZ ET AL.	
	<b>Examiner</b> SAIRA HAIDER	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-17, 19 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19 and 22-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 14-17, 19, 22-25, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Arons et al. (US 3,983,195).

3. Arons discloses sheath material consists essentially of, by weight, approximately 50 to 75% of a thermoplastic resin binder, approximately 20 to 40% of a fibrous filler, and approximately 0.5 to 15% of a metallic soap (abstract; col. 2, lines 44-49). The Arons reference does not require the inclusion of any other components, thus satisfies the claimed consisting of language.

4. Suitable thermoplastic resin binders include polystyrene resins and acrylonitrile-butadiene-styrene resins (col. 4, lines 34-45). Suitable fibrous fillers include micronized leather (col. 4, lines 49-57). Suitable metallic soaps include inorganic salts, such as aluminum salts (col. 5, lines 9-24).

5. In reference to claim 19, the disclosed acrylonitrile-butadiene-styrene resins reads on the claimed copolymer of butadiene and styrene.

6. In reference to claim 23, Arons notes that the preferred size of other fibrous fillers have a size of 150 microns, or between 75 to 425 microns (col. 4, lines 65-68). Wherein the reference would readily envisage that the leather fibers have the same size.

7. In reference to claim 24, regarding the process, Arons discloses that the resin binder and filler are mixed, and then the metallic soap (such as the noted aluminum salt) is added in. The resulting slurry is then dried, Thus resulting in the disclosed composition (col. 6, lines 59-67).

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8. In reference to claim 25, Arons notes that the surface of the sheath can be coated with a pigmented thermoplastic resin (abstract; col. 2, lines 61-66).

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 23, 24, and 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arons et al. (US 3,983,195).

11. Claims 23 and 23 are alternatively rejected under 35 U.S.C. 103(a), in case that sufficient evidence is not present for the envisagement of the particle size. Arons applies as discussed above, and teaches that suitable wood particles have a size of 150 microns or 42-425 microns (col. 4, lines 65-68). It would have been obvious to one of ordinary skill in the art to utilize leather fibers having the same size, since Arons teaches that such size ranges are preferable in the invention and function well.

12. In reference to claim 26, Arons applies as discussed above, but fails to disclose the claimed hot melt adhesive used to bond the thermoplastic material to a substrate surface. However the Arons reference discloses that the resin binder is capable of providing a suitable bond to the marking core and the sheath is capable of providing a base for the bonding thereto of a coating material, therefore no adhesive need be used (col. 4, line 30-34). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the resin binder as the hot melt adhesive, since they perform the same function. Wherein utilization of one compound instead of the two claimed would have been obvious to one of ordinary skill in the art in order to increase efficiency in the process and minimize wastage of compositions.

***Conclusion***

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13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAIRA HAIDER whose telephone number is (571)272-3553. The examiner can normally be reached on Monday-Friday from 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James J. Seidleck/  
Supervisory Patent Examiner, Art Unit 1796

Saira Haider  
Examiner  
Art Unit 1796